

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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EXTREME NETWORKS, INC.,

Plaintiff,

v.

AMENDED JUDGMENT  
IN A CIVIL CASE

Case No. 07-cv-229-bbc

ENTERASYS NETWORKS, INC.,

Defendant.

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This matter came before the court and a jury with District Judge Barbara B. Crabb presiding. The issues have been tried and the jury has rendered a verdict.

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IT IS ORDERED AND ADJUDGED that judgment is entered:

1. Dismissing defendant Enterasys Networks, Inc.'s counterclaims for infringement of U.S. Patents Nos. 6,041,042, 5,195,181 and 5,430,727 with prejudice;
2. Dismissing plaintiff Extreme Networks, Inc.'s claims for invalidity of the '042, '181 and '727 patents without prejudice;
3. Limiting plaintiff's damages for infringement to those plaintiff incurred after it filed this lawsuit on April 20, 2007;
4. In favor of defendant on plaintiff's claims that the Matrix X, X-Pedition 8000 and X-Pedition 8600 routers infringe claim 1 of the '248 patent and claim 1 of the '438 patent;

5. In favor of plaintiff Extreme Networks, Inc. against defendant Enterasys Networks, Inc. in the amount of \$201,213.00 on plaintiff's claims that defendant's Matrix X routers have infringed claims 21 and 29 of U.S. Patent No. 6,104,700, that the Matrix X, X-Pedition 8000 and X-Pedition 8600 routers have infringed claim 15 of U.S. Patent No. 6,678,248 and that the Matrix X, X-Pedition 8000 and X-Pedition 8600 routers have infringed claim 5 of U.S. Patent No. 6,859,438; and
6. In favor of plaintiff Extreme Networks, Inc. against defendant Enterasys Networks, Inc. in the amount of \$48,304.00 in supplemental damages; \$15,297.00 in prejudgment interest; and postjudgment interest at a rate of \$10.38 a day.

IT IS FURTHER ORDERED AND ADJUDGED that defendant is permanently enjoined as follows:

- (a) Defendant, defendant's officers, agents, servants, employees, attorneys and other persons who are in active concert or participation with them who receive actual notice of this judgment are permanently enjoined from manufacturing, offering to sell, or selling in the United States, or importing into the United States, the X-Pedition 8000, the X-Pedition 8600 and the Matrix X series products, either alone or in combination with any other product and any other existing or future product that is not more than a colorable variation of the X-Pedition 8000, the X-Pedition 8600 and the Matrix X series products;
- (b) Defendant, defendant's officers, agents, servants, employees, attorneys and other persons who are in active concert or participation with them who receive actual notice of this judgment are permanently enjoined from using in the United States, or importing into the United States, the X-Pedition 8000, the X-Pedition 8600, and the Matrix X series products, either alone or in combination with any other product and

any other existing or future product that is not more than a colorable variation of the X-Pedition 8000, the X-Pedition 8600 and the Matrix X series products, except that defendant may continue (1) to perform diagnostic testing as part of providing customer service to its customers who identify problems with these products to defendant, and (2) use the infringing products in defendant's own internal network.

- (c) With the exception of those products used in conjunction with paragraph (b), defendant shall destroy its existing inventory of the X-Pedition 8000, the X-Pedition 8600 and the Matrix X series products within 10 days of the final resolution of any appeal by defendant.
- (d) Also within 10 days of the resolution of any such appeal, defendant shall provide written notice of the order and injunction to its officers, agents, servants, employees, attorneys and other persons who are in active concert or participation with them.
- (e) The injunction shall run until the expiration of plaintiff's patents, which is February 3, 2018, with respect to the '700 and '438 patents, and March 16, 2020, with respect to the '248 patent.

Approved as to form this 18<sup>th</sup> day of March, 2009.

Barbara B. Crabb  
Barbara B. Crabb  
District Judge

Peter Oppeneer  
Peter Oppeneer  
Clerk of Court

3/19/2009  
Date